

FILED

November 4, 2005

Charles R. Fulbruge III
Clerk

UNITED STATES COURT OF APPEALS
FIFTH CIRCUIT

No. 03-10459
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

ADAN GUZMAN,

Defendant-Appellant.

Appeal from the United States District Court
for the Northern District of Texas
(4:02-CR-00210-2)

Before BARKSDALE, STEWART, and CLEMENT, Circuit Judges.

PER CURIAM:*

Counsel appointed to represent Adan Guzman has moved for leave to withdraw and has filed a brief as required by *Anders v. California*, 386 U.S. 738 (1967). Guzman has filed a response.

Our independent review of the briefs, Guzman's response, and the record discloses no nonfrivolous issue for appeal. On the other hand, the record is insufficiently developed to permit consideration on direct appeal of the ineffective-assistance-of-counsel claim (IAC claim) possibly raised in Guzman's response.

* Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

See *United States v. Higdon*, 832 F.2d 312, 314 (5th Cir. 1987), *cert. denied*, 484 U.S. 1075 (1988). Accordingly, without prejudice to Guzman's right to file a motion pursuant to 28 U.S.C. § 2255 on an IAC claim, the motion for leave to withdraw is **GRANTED**; counsel is excused from further responsibilities herein; and the appeal is **DISMISSED**. See 5TH CIR. R. 42.2. Guzman's motion to appoint substitute counsel is **DENIED**.